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## State Health Agencies and the Legislative Policy Process

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### Synopsis .....

*A new era of health care reform places increasing pressure on public health leaders and agencies to participate in the public policy arena. Public health professionals have long been comfortable in providing the scientific knowledge base required in policy development. What has been more recent in its evolution, however, is recognition that they must also play an active role in leading and shaping the debate over policy.*

*A profile of effective State legislative policy "entrepreneurs" and their strategies has been developed to assist health agencies in developing such a leadership position. Based on the experiences of State legislative liaison officers, specific strategies for dealing with State legislatures have been identified and are organized into five key areas—agency*

*organization, staff skills, communications, negotiation, and active ongoing involvement.*

*A public health agency must be organized effectively to participate in the legislative policy process. Typically, effective agencies centralize responsibility for policy activities and promote broad and coordinated participation throughout the organization. Playing a key role in the agency's political interventions, the legislative liaison office should be staffed with persons possessing excellent interpersonal skills and a high degree of technical competence.*

*Of central importance to effective legislative policy entrepreneurship is the ability to communicate the agency's position clearly. This includes setting forward a focused policy agenda, documenting policy issues in a meaningful manner, and reaching legislators with the proper information. Once a matter is on the legislative agenda, the agency must be prepared to negotiate and build broad support for the measure.*

*Finally, public health agencies must be active policy players. To take advantage of new opportunities for action, the public health (policy) leader must monitor the political environment continually. By working to anticipate and formulate legislation, health officials can form meaningful relationships with legislators and the community, which are the cornerstones of political strength.*

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AS HEALTH CARE REFORM continues to occupy the nation's political arena, the need for public health professionals to assume an active, leadership role in the debate becomes ever more important. New Federal rules are anticipated to restructure the health care system, and it will be up to States and localities to develop responsive policies and plans sensitive to their own needs and circumstances.

The Institute of Medicine (IOM) in its report, "The Future of Public Health," recommends that "every public health agency exercise its responsibility to serve the public interest in the development of comprehensive public health policies by promoting

use of the scientific knowledge base in decision-making about public health and by leading in developing public health policy" (1).

With its roots in the science of medicine and epidemiology, the public health profession has readily understood and accepted its role in supplying the scientific and technical knowledge required for sound decision-making. Less evident has been the willingness and ability of public health practitioners to step forward and lead in the development of policy.

Several factors seem to contribute to the historic lack of leadership in the policy arena evidenced by the public health profession. In "The Politics of Public Health: the Dilemma of a Public Profession,"

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Camilla Stivers argues that the conflict between professional judgment and the bargaining style of political decision-making is at the root of this problem (2). By maintaining a rigid posture that neutral scientific knowledge should not be undermined through the negotiation and compromise inherent in the political process, members of the public health profession have often declined to participate in the process at all.

Beyond the philosophical aspects of the situation, certain practical matters also affect the role of public health professionals in policy development. The short tenure of many health officials must certainly inhibit active participation and leadership in the complex environment of public policy. According to a survey of local health departments conducted by the Centers for Disease Control and Prevention (CDC) and the National Association of County Health Officials (NACHO), nearly half of all local health officers have a tenure of less than 5 years with a particular agency (3). Even shorter average tenures are reported for State health officials (4). Such short terms of service may not allow health officers the time necessary to build an understanding of the political arena and to form the contacts and relationships required to participate effectively in public policy development.

Also of key importance is the pervasive provider monopoly over the development of health policy. In most legislative forums, the medical association, hospital association, and other privately funded groups are extremely influential, often through the efforts of seasoned legislative liaison people and lobbyists. The ability to interact with this power base on an equal footing must often seem unattainable.

To be effective in the area of policy development, public health professionals must combine the scientific knowledge of public health with pragmatic strategies for working in the public policy community. Recognizing this challenge, public health officials are now seeking the skills and expertise

required to assume a leadership role in policy development. (See related article on page 368.) For another example, the recently created Public Health Leadership Institute offered by CDC and the Western Consortium for Public Health is designed to enhance the leadership skills of local and State health officers and to increase their understanding of emerging public health issues (5).

To exercise responsibility for leadership in health policy, the IOM report states, "Agencies must take a strategic approach, developed on the basis of a positive appreciation for the democratic political process" (1). This activity requires agency leaders to develop relationships with policy-makers, the community, and other private sector representatives based on ongoing communications. Most importantly, IOM emphasizes that health agency personnel should act rather than wait for a crisis situation to develop. In short, public health professionals must become effective "policy entrepreneurs," a term coined by John W. Kingdon (6).

## Methods

In a recent survey by CDC and the Public Health Foundation, State health officers were asked to rank 78 management skills in terms of importance to their job and need for skill improvement. The "ability to work with the legislature" received the highest composite score (7). Our research was undertaken to develop an understanding of what it takes to work effectively in the State legislative process, that is, how to be a successful legislative policy entrepreneur.

The findings from this research identify several means by which health agencies can have a more influential voice in forming public policy in the legislative arena. Through interviews with representatives of State health agencies responsible for legislative activities and an appropriate literature search, we have developed a profile of the characteristics of entrepreneurs and their strategies. These tactics enhance the likelihood that an agency proposal will be perceived as a solution to a problem that government is considering. Such strategies should be helpful to a health professional or agency seeking to develop an influential role in the legislative policy process.

Detailed interviews were conducted with public health agency representatives having primary responsibility for legislative relations in the States of Texas, Georgia, Vermont, Hawaii, Nebraska, California, West Virginia, Arkansas, and Michigan. States were not randomly selected but were chosen to include varying governmental and agency structures. For

example, State health officers in some of the States are board appointed, while others are cabinet officials who are appointed by the Governor. Also, an attempt was made to include those State agencies that have a significant record of legislative success as well as those agencies still striving to achieve such success.

Articles reviewed in the literature search included instructional guides for those involved in the policy process (8-13), case studies of health agencies' efforts to affect public policy (14-24), and proposed models that have been developed to influence legislative health care policy (25-32).

## Findings

Based on content analysis of the interview transcripts and the literature reviewed, a profile of effective State legislative policy entrepreneurs and their strategies emerged. The profile includes these five major components: a well-organized agency, talented staff, clear communications, effective negotiations, and active ongoing participation.

**A well-organized agency.** The importance of organizing agency personnel to participate effectively in the policy development process was stressed throughout the research, and it is a proper place to begin an examination of policy entrepreneurship. The need to balance staff coordination with staff participation is central to effective entrepreneurship and, in the words of one health official, ensures that the agency "speaks with one voice."

First, the organizational structure that seems to be the most effective for active participation in the development of public policy is one in which participation is centralized in a legislative liaison person or staff. This person (or persons) coordinates all communication between agency staff members and policy makers, not necessarily as the sole conduit for the agency but always as a monitor of what is being communicated and by whom. In that way, legislators as well as agency staff members have a central point of contact within the organization.

Centralized liaison responsibilities allow the agency to cultivate personal and lasting relationships with legislators and their staff members. A central contact person or unit is in an optimal position to develop a reputation for being on top of agency issues and may gain favor and respect from legislators. In this way, the agency has the time and human resources necessary to build relationships and become an established participant in the policy-making process.

Balancing the need to coordinate the message

being sent to policy makers is the need to promote broad agency participation in the development of policy. Program personnel within the organization are often in the best position to monitor ongoing policy matters and attend the myriad committee and subcommittee meetings that constitute the legislative process. Recognition of these people as experts in their field is most important when the objective is an impact on the policy process.

To ensure that all responses from the agency are uniform and to prevent program staff members from supplying conflicting information, most agencies require staff members to report a contact with a legislator to the central liaison office. One agency instructs program personnel to provide facts and data directly to legislators and others requesting such information but to refer questions on policy positions to the liaison office. Another agency reports that program staff members assigned to monitor specific legislative activities have weekly meetings to communicate and coordinate their efforts.

**Talented staff.** The second key issue identified through our research is that effective entrepreneurs possess certain skills and attributes. Good judgement is very important, as are problem solving, negotiation, and interpersonal skills. According to respondents, staff members should have a proper understanding of program areas and should be articulate and able to communicate well. Staff members must be credible, responsive, and honest without any personal agenda. It was pointed out that policy makers are receptive to an agency representative who has an understanding of the entire legislative process and an ability to see the broader implications of a proposal. Most officials agreed that interpersonal skills combined with technical competence are the most important abilities for agency representatives working with constituencies and the legislature.

Nearly all of the agencies under study provide some type of training to program staff members involved in the policy process. Much of this training deals primarily with procedural issues and instructions for interacting with legislators. Most agreed that while staff people can be trained in procedural and technical areas, interpersonal skills are individualistic and cannot be taught. The key is to look for people in the recruiting process with broad-based program and administrative experience combined with judgement and interpersonal and problem-solving skills.

**Clear communications.** After the agency is organized and the liaison office imbued with the right mix of skills, the next key step toward effective

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entrepreneurship is clear communication of the agency message. This activity includes setting a focused policy agenda, documenting problems and solutions in an effective manner, reaching legislators with the proper information, and providing testimony.

A clear and focused policy agenda is important in coordinating the involvement of staff members in the process. It is also central to building effective relations with policy makers and legislators. Many agencies identify a policy agenda or series of priority policy areas through the agency planning process. As stated by one liaison person, a uniform position depends on clear insight into the agency's goals and objectives.

Priority-setting is often coordinated with the Governor's office. One agency reported that formal gubernatorial approval of its legislative action plan is required. A less formal approach is used by other agencies. For example, a staff member from the Governor's office may attend weekly health agency meetings to provide an ongoing mechanism for communication.

The point of such interaction with the Governor's office is first, to ensure consistency in policy positions between the Governor and the executive branch agency. Secondly, such interaction can bring the political clout of the Governor's office to bear on the promotion of the public health policy agenda. This is so important that one agency reports separating its policy agenda into two categories: those for which the Governor is seeking support and those that the Governor is not pursuing but that the agency still wants to accomplish. Another agency reports extensive lobbying to persuade the Governor's staff to change position on a policy matter. This agency uses board of health members, the commissioner of health, and public citizens to influence the Governor's thinking.

A clear and focused agenda allows the entrepreneur to be comprehensive in preparing an issue for the policy process. A proposal should be formulated in advance, so that when the opportunity for action arises, the entrepreneur is prepared to act. Preparation includes documentation of the problem and provision of relevant scientific data to back up policy

proposals. One liaison person surveyed summarized the data typically provided to include a mix of epidemiologic, cost, and public opinion data. If possible, data should demonstrate impact on an elected official's constituency, particularly in the form of economic costs and benefits. Most agencies report, however, that they need to improve their analysis and use of cost related data, including use of collected fees, return on investment, and other benefit statistics.

Time is a critical factor in the legislative policy arena. Finding the opportunity to communicate with busy legislators can be difficult. For this reason, liaison people often use brief fact sheets, employing simple terms, graphs, and charts to relate proposals to outcomes and constituent concerns. In the words of one liaison person, "All that the legislators need to know is what the problem is and what should be done." Also mentioned was the need to avoid speaking down to a legislator or being condescending when discussing technical details.

The importance of one-on-one conversations was stressed throughout the research. "Testimony in committees does not get a vote; individual conversations do," said one respondent. In addition, legislators will be interested in how a bill will work if it becomes law. For this reason, information about implementation should be included in presentations to legislators.

In the interim between legislative sessions or gubernatorial transitions, it is important to maintain communications to keep issues alive. Sometimes a legislative strategy will extend over a number of sessions of the legislature. A few agencies report that they accomplish this by using the media. Also, some reported working to educate legislators during the session interim and participating on task forces and study commissions. They recommend working with sponsors and planning for reintroduction of a bill that failed to pass. One respondent pointed out that popular support can be maintained by informing constituents up front that the effort may take more than one legislative session.

**Effective negotiations.** The fourth key issue identified in our research is the importance of effective negotiation strategies. As previously discussed, one of the reasons public health agencies have been reluctant to enter the policy arena is the belief that scientifically demonstrated "neutral" positions should not be subject to compromise or negotiation. One of the basic facts about policy development is, however, that once a matter does come to the legislature's attention, public health officials must be prepared to negotiate.

According to case studies we reviewed, an entrepreneur developing a proposed policy must keep in mind that original plans may have to be compromised. Negotiation is often necessary to obtain the optimal benefits possible. Success may not lie necessarily in achieving policy in its original form but in effecting a degree of change that would not have been accomplished without participation in the policy process.

Once some form of legislation is passed, the agency can demonstrate its benefits and point out how additional good could be achieved through full implementation of the original proposal. The conventional wisdom is to take what you can get and make the most of it. In drafting legislation, most of the agencies surveyed often include room for maneuver and compromise.

A common political axiom is to know the opposition and how to reduce either the influence or the resistance of those arrayed against an issue. Among the respondents, those who have been most successful in defusing opposition work early to bring adversaries into the development process. Sitting down with all potentially affected parties before initiating a proposal and working to hammer out a compromise can be most effective.

Building support early in the process can reduce direct confrontation, especially the kind that gets the legislature's attention. If consensus is gained, all parties will be able to unite in support of a proposal, preventing constituent disagreements that would divide legislators.

Unfortunately, certain battles just cannot be won. Effective legislative entrepreneurs know that when the seriousness of a problem cannot be documented adequately and broad-based support for action cannot be garnered, it is wise to step away from a policy position before agency relationships are damaged over a no-win situation. In the words of one legislative liaison person, "When you know that you cannot win and that you will only make enemies if you continue, you should quit."

**Active participation.** The fifth and final key to entrepreneurship and perhaps the most common refrain found throughout the research is the need to be continually active in the policymaking process. Continuous monitoring of the political environment is necessary to take advantage of new opportunities for action. Entrepreneurs recognize those issues that receive public attention, anticipate upcoming legislation, and add their solutions to problems under consideration.

Continuous monitoring of the political landscape

can produce information on the political biases, climate, and trends of influence in a State or locality. The effort is ongoing and includes program as well as policy staff members. Monitoring consists of meeting with legislators, their staff members, and other policy advocates; keeping an eye on what the media is covering; and tracking the progress of relevant legislation. One official attributed his agency's lack of success on legislative issues in part to the reactive and resigned attitude agency officials had toward legislative activities.

Being active requires developing relationships with legislators, the Governor, the media, and the community. Positive relationships with legislators can be built by understanding the values and beliefs of policy makers and tailoring proposals to work within the current political climate. It is of utmost importance to respond to legislators' requests for program information and for answers to constituents' complaints in a timely manner.

Suggestions for developing active legislative relationships include holding orientation sessions for new legislators and giving legislators health status profiles of their districts. One liaison person pointed out that informal gatherings for exchange of information between agency program personnel and legislative staff members allow participants to match department priorities with legislative priorities and identify joint areas for action. Meetings just prior to the opening of the legislative session have been found to be particularly effective in educating legislators with detailed technical information that they do not have time to consider during session.

Our research indicates that most agencies recognize the need to seek community involvement earlier in the policy process through needs assessment and priority setting. State health agencies tend to rely on community input received through members of a board of health, local health departments and districts, and other organized groups. Because of the importance of constituent and community support for policy proposals, more attention also is being focused on the collection of public opinion data and media coverage of priority policy issues.

Use of the media was characterized by most of the liaison people as primarily reactive in nature. Those who do use the media to their advantage provide information on programs to reporters covering health issues and foster relationships before they need them. One agency uses the media "any time, any way we can." They invite reporters to do stories, establish good relationships with the media, and maintain networks of members of the media with whom they like to work. Another agency is trying to build these

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relationships, because they find that not having a network of contacts makes media relations difficult.

Case studies have demonstrated that health agencies wanting to affect policies should ally and communicate with other related groups including other State agencies and advocacy groups. Cohesive, broad-based coalitions are most influential in policy development. One liaison person put it best, "Success requires partnership."

One method used to build partnerships is to convene study commissions or task forces. According to numerous officials, commissions are an effective means for developing consensus among various interest groups, keeping issues alive between legislative sessions, and allowing time for full exploration of problems and solutions. Legislatures are usually responsive to commissions that they convene. Study commissions can be highly effective because they incorporate all of the aforementioned tasks necessary to prepare for legislative action. A key for health agency representatives is to be active, positive, and assertive in their participation on these committees.

Since the need for specific legislation is usually promoted before the session of the legislature begins, work must be active rather than reactive. Building relationships with legislators, their staffs, the media, and other allies should be done before the need for such alliances. With legislators and with the media, it is important to be both active and responsive to their requests. Partnerships with other groups show policymakers that this issue is not just of interest to a single agency. Such partnerships are an asset to policy efforts because they lend technical support as well as political influence.

## Conclusion

The characteristics of effective State legislative policy entrepreneurs that are most important are the ability to work actively, keep an issue alive, and form united alliances in favor of a given proposal. The

agency acting as a policy entrepreneur must present a clear position, use data in effective ways, and generate support for a proposal. It is clear that for health agencies to be effective in public policy determination, a cohesive, broad-based group must support the effort, influential elected officials must be committed to the project, and the art of compromise must be used.

Based on this research, two key areas that require more attention in most public health agencies were identified. First, use of the media by health agencies seems to be reactive and sporadic in nature. Identifying successful media strategies and building the capacity of health agencies to use this resource would serve to enhance an agency's ability to affect legislation.

Secondly, the agencies under study did not directly involve the community served in planning and implementing legislative strategies. More research is needed concerning the benefits of involving the community in developing policy and ways to accomplish this task. Related to this issue is the use of public opinion data and its effectiveness in the policy process.

In this era of continued resource constraints and increased need for public health services, public agencies must devote considerable time and effort to policy development. This study has pointed out the various means by which State health agencies may work to influence the legislative policy process. As the call for reform of the health care system escalates, health agencies should be prepared to participate in the public policy process now more than ever before. For this reason, public health professionals must emerge as leaders in policy development if they are to meet the needs of the communities they serve.

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